

Deceit John W. Philips Abdul F. Straitsman and wife vs James A. Philips & others

No. 3759 Equity In the Circuit Court for Frederick County in Equity. Sept. Term 1872.

The above cause standing ready for hearing and being submitted, The Bill, Answer, Exhibits Depositions and all other proceedings were by the Court read and considered. It is therefore this 12th day of November 1872, by the Judges of the Circuit Court for Frederick County as a Court of Equity, and by the authority of said Court, adjudged ordered and Decreed that John W. Philips and Benjamin A. Philips of Frederick County be and they are hereby appointed and substituted Trustees in the place of George Philips, the Executor and Trustee under the Will of Peter Philips late of Frederick County Decreed the said George Philips the said Trustee having died without executing said Trusts - And it is further ordered and Decreed, that the Property mentioned in the Pleading be sold and the Proceeds of the sale thereof be brought into this Court, to be distributed according to the provisions of the Will of the said Peter Philips. But the said Trustees before proceeding to act as such, shall first file in the Clerk's Office of this Court a Bond to the State of Maryland executed by them with a surety or sureties to be approved by the Court or the Clerk thereof in the penalty of five thousand Dollars conditioned for the faithful performance of the Trust reposed in them by this Decree or which may be reposed in them by any further order or Decree in the premises And the said Trustees shall then proceed to make sale of the Real Estate mentioned in these proceedings having first given at least three weeks previous notice inserted in some newspaper printed in Frederick County and such other notices as they shall think proper of the time place manner and terms of sale which terms shall as follows One third of the purchase money to be paid on the day of sale or on the ratification of such sale by the Court, the remainder in two equal annual payments, the purchaser or purchasers among his her or their notes with good security bearing date on the day of sale, with interest from date. And as soon as may be convenient after any such sale or sales, the said Trustees return to this Court a full and particular account of the same with an affidavit of the truth thereof and of the amount of such sale or sales received and on the ratification of such sale or sales by the Court and on payment of the whole purchase money and not before, the said Trustees by a good and sufficient Deed to be executed and acknowledged, equally to law, shall convey to the purchaser or purchasers of said property to him her or their sold free clear and discharged of all claim of the parties to this cause and of any person or persons claiming by, from or under them, And the said Trustees shall bring into this Court the money arising on such sale and Bonds or notes which may be taken for the same, to be distributed, as before said - after deducting therefrom the costs of this suit and the such Commissions to the said Trustees as the Court shall think proper to allow on consideration of the skill attention and fidelity wherewith they appear to have discharged their Trusts.

Filed Nov. 14th 1872.

John A. Lynch Judge of the Circuit Court.

Petition of Straitsman To the Honorable the Judges of the Circuit Court for Fred^d County in Equity, The Petition of Abdul F. Straitsman, and Mary M. Straitsman his wife, and of John Michael of Frederick County, respectfully shews to your Honors that upon Petition Mary M. Straitsman became the purchaser of a certain House and Lot, designated as Lot No. 1, from John W. Philips and Benj. A. Philips Trustees in No. 3759, Equity being part of the Lot of ground contained to a certain Peter Philips by Stephen Steiner and fully described in Exhibit No. 1 filed in said Cause Your Petitioner further states that said sale has not yet been reported to and ratified by your Honorable Court, And your Petitioner further state that since said sale